

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31991 of 2020**

Arising Out of PS. Case No.-454 Year-2019 Thana- RAJAON District- Banka

1. Md. Harun, Male age about 62 years, Son of Md. Hammid.
2. Bibi Hasina, Female, age about 58 years, Wife of Harun.
3. Khursida Khatun @ Khusida Khada, Female, age about 35 years, Wife of Md. Harun.
4. Md. Abod @ Md. Abed, Male, age about 40 years, Son of Md. Israil.
All are resident of Village-Katiyama, PS-Rajoun, District-Banka.
5. Bibi Namina @ Bibi Narina, Female age about 28 years, Wife of Md. Guddu, Resident of Village-Puraine, PS-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the State : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 31-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Vibhakar Kumar, learned counsel for the petitioners and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Rajoun PS Case No. 454 of 2019 dated 02.11.2019, instituted under Sections 341, 323, 498-A, 307, 504, 506/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, 1961.



4. The allegation against the petitioners, who are relatives of the husband of the informant, is of demand of dowry, torture and assault.

5. Earlier, the Court on 27.07.2021, had directed for an exercise where the husband of the informant was to go to the house of the informant and take her to the matrimonial home.

6. Pursuant to the same, the Court has been informed by learned counsel for the petitioners as well as the learned APP that finally on 11.08.2021, the informant had gone to her matrimonial home. When the Court called upon learned counsel as to whether the three children had also gone to their father's place, the answer was in the affirmative. However, in the supplementary affidavit, which has not been affidivated, it has been stated only about the informant having gone to the matrimonial home with her husband and living there since 11.08.2021. The Court finds it unfortunate that pleadings are filed without any seriousness. It was the duty of the petitioners to ensure that the facts were incorporated in the supplementary affidavit and it had to be mentioned that the three children were also living in the house of their father, but the same has not been stated. The Court record its strong displeasure at such casual affidavit being filed in the proceedings. The Court, thus, was of the opinion that cost be imposed for such casualness.



7. At this juncture, learned counsel for the petitioners sought indulgence and submitted that due to inadvertence, such fact was not stated in the affidavit. Having regard to the aforesaid, by way of indulgence, the Court refrains from doing so.

8. Learned APP submitted that the Superintendent of Police, Banka has also filed a report which discloses that the informant had gone to her matrimonial home, along with her three children. Further, she submitted that she has also talked to the informant on 11.08.2021 and the SHO has also informed her on 23rd August, 2021, that she is living without any complain in the matrimonial home. It was submitted that as per the undertaking, the husband of the informant has assured that the informant would not be troubled in any way.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, as the informant has returned to the matrimonial home with her children and it has been undertaken by her husband, as also the petitioners, that she would not face any problem, the Court is inclined to allow the prayer for pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Rajoun PS Case No. 454 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall co-operate with the Court and police/prosecution and (iii) that the petitioners shall give an undertaking to the Court that the informant and her children shall be kept in the matrimonial home with full dignity, honour and security and that all her needs shall be taken care of and also that the informant shall be free to talk to, meet or visit any person she desires without any let or hindrance, either by her husband or his family members, including the petitioners. Any violation of the terms and conditions of the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution as also the informant and her guardians to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.



12. The petition stands disposed of in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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